

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

DAVID WESCOTT FIEDLER,

Plaintiff,

vs.

HYUNDAI MOTOR AMERICA,

Defendant.

CIV. NO. 24-00190 LEK-RT

**ORDER CONSTRUING PLAINTIFF'S MOTION TO DISMISS
AS A NOTICE OF VOLUNTARY DISMISSAL**

On April 26, 2024, pro se Plaintiff David Wescott Fiedler ("Plaintiff") filed his Complaint for a Civil Case ("Complaint"). [Dkt. no. 1.] On May 7, 2024, Plaintiff filed his "Amended Pleading," [dkt. no. 11,] which has been construed as his Amended Complaint. See Minute Order - EO: Court Order Deeming Plaintiff's Motion for Leave to Proceed as a Veteran Withdrawn, filed 5/8/24 (dkt. no. 12).

Before the Court is Plaintiff's Motion to Dismiss ("Motion"), filed on May 28, 2024. [Dkt. no. 14.] Plaintiff seeks to dismiss this case pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), which states:

(A) Without a Court Order. Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the
opposing party serves either an answer or a
motion for summary judgment

Because Plaintiff is proceeding pro se, this Court must
liberally construe his filings. See Erickson v. Pardus, 551 U.S.
89, 94 (2007) (per curiam). Plaintiff's Motion is therefore
liberally construed as a notice of dismissal pursuant to
Rule 41(a)(1)(A)(i).

Defendant Hyundai Motor America ("Defendant") filed
its answer to Plaintiff's original Complaint ("Answer") on
May 30, 2024. [Dkt. no. 15.] However, because Plaintiff filed
the Motion before Defendant served its Answer, the Motion still
constitutes a notice of dismissal filed before the opposing
party served either an answer or a motion for summary judgment.

In light of Plaintiff's valid notice of voluntary
dismissal, the Clerk's Office is DIRECTED to close the case
immediately.

IT IS SO ORDERED.

DATED AT HONOLULU, HAWAII, June 6, 2024.



/s/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge

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